

When Admiral McConnell appeared before the Judiciary Committee, he wanted to make clear our understanding of the technology of the capture of conversations. And he put it this way: he said when you are conducting surveillance in the context of electronic surveillance, you can only target one end of the conversation. So you have no control over who that number might call or who they might receive a call from. He then went on to say if you require a warrant in circumstances that we have never required before, as is the implication of the bill to be brought before us, he said if you have to predetermine it is a foreign-to-foreign before you do it, it is impossible. That's the point. You can only target one. If you are going to target, you have to program some equipment to say I am going to look at number 1, 2, 3. So targeting in this sense, you are targeting a phone number that is foreign. So that's the target. The point is you have no control over who that target might call or who might call that target.

Is that consistent with your understanding in the years you have been on the Intelligence Committee and the years you have looked at this issue?

Mrs. WILSON of New Mexico. That is exactly right. The biggest problem is that the terrorists who are trying to attack us, and even foreign governments, are increasingly using commercial communications. So they don't have dedicated lines between a couple of government buildings. In modern communications, those communications will flow wherever it is fastest to get to wherever they are calling to. Sometimes that call will transit the United States, and we shouldn't require a warrant just because the point of access to that conversation happens to be within the United States.

Mr. DANIEL E. LUNGREN of California. I know we only have about 5 minutes left. This is testimony that Admiral McConnell gave before the Judiciary Committee. He was asked this directly by a Member from the other side of the aisle: How many Americans have been wire tapped without a court order?

The direct response by the DNI, none. He went on to say there are no wiretaps against Americans without a court order. None. What we are doing is we target a foreign person in a foreign country. If that foreign person calls in the United States, we have to do something with the call. The process is called minimization. It was the law in 1978. It is the way it is handled.

Is that your understanding?

Mrs. WILSON of New Mexico. That is my understanding, and he has testified to that in the Intelligence Committee as well. That is what gets lost here. People seem to think that somehow this impacts the civil liberties of Americans. No, this bill that the Democrats are bringing to the floor this week will extend civil liberties protections to foreigners trying to kill

Americans. It will make it harder for our soldiers and our law enforcement folks and our intelligence community to find out when the next attack is coming in order to prevent it.

I don't understand why they are going in this direction. Sometimes I don't think they really understand what they are doing here. Sometimes I think it is not entirely intentional on the part of some of these folks, that they really do not understand how this works and how badly they are crippling American intelligence if they pass this law.

Mr. DANIEL E. LUNGREN of California. We should recall the words of the United States Supreme Court in the Keith case which is the case that dealt with wiretaps in the United States. They said that while there was no warrant exception in domestic surveillance cases, it was not addressing the question of activities related to foreign powers and their agents. And in that unanimous opinion, the court noted that were the government to fail "to preserve the security of its people, society itself could become so disordered that all rights and liberties would be endangered."

Justice White, a John Kennedy appointment to the Court who personified the definition of a moderate, said this in his concurring opinion in the Katz v. U.S. case: "We should not require the warrant procedure in a magistrate's judgment if the President of the United States or his chief legal officer, the Attorney General, has considered the requirements of national security and authorized electronic surveillance as reasonable."

In other words, the court when it dealt with this issue those years ago recognized the difference between a criminal justice system and a system of intelligence and counterterrorism to protect our country from attack by those who would basically destroy everything, including our Constitution and our constitutional foundation.

Mrs. WILSON of New Mexico. If you think about how the challenge has changed since the Cold War, in the Cold War, we had early warning systems. We had Cheyenne Mountain that was watching early warning systems to see if Soviet bombers were heading towards us or missile systems had launched, immediately scrambling airplanes and taking immediate action to protect this country.

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And we had intelligence systems set up to be able to detect and give us that early warning. The problem has changed, but the need for early warning is still there.

Now, what we didn't do when we got a detection that bombers were coming towards the United States was call the lawyers in Washington to see if we could launch our airplanes to protect us. The system was set up to be fast and immediately responsive.

What the Democrats are going to do this week is to say if you get a detec-

tion, if you believe you have early warning, that the terrorists are coming to destroy Americans or attack Americans, put that on hold while you go get a warrant, talk to judges, take hours to decide whether we can respond. That will not allow us to protect America.

Mr. DANIEL E. LUNGREN of California. The gentlelady is exactly correct, and let me suggest, to get down to basics, that when surveillance is directed overseas, legitimate concerns relating to purely domestic surveillance are not implicated. We should all be concerned about the protections of civil liberties, as the 9/11 Commission put it.

The choice between security and liberty is a false choice as nothing is more likely to endanger America's liberties than the success of a terrorist attack at home.

And I thank the gentlelady for her comments.

Mrs. WILSON of New Mexico. I thank the gentleman for having this hour tonight.

#### TRUCKS COMING IN FROM MEXICO

The SPEAKER pro tempore (Mr. MURPHY of Connecticut). Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Kansas (Mrs. BOYDA) is recognized for 60 minutes as the designee of the majority leader.

Mrs. BOYDA of Kansas. Mr. Speaker, tonight I rise to speak on behalf of so many in the 2nd District of Kansas who are as concerned as I am about what's happening with the trucks coming in from Mexico.

I have stood strong and said from the beginning what on Earth are we doing here. We have a rule of law in this country, and some way or another it is once again being completely disregarded, the will of the American people, the rule of law, and I stand before you here tonight to say the people of the 2nd District want me to say something, and that is, enough is enough.

My Safe American Roads Act basically said this pilot program is not going to keep our families safe. It, in fact, will make our highways more dangerous, and asks the President, please, Mr. President, stop this program now.

We had a bill that was voted on this very floor right here, 411-3, virtually unanimously, and yet on Labor Day weekend, just a stunning, a stunning reversal of what the American people had asked our President, on Labor Day weekend it was announced that these trucks coming up from Mexico would be allowed that weekend, and in fact, the first trucks started to roll.

Tonight we want to talk about what's going on and why we are so concerned, and I'm joined here with my friend and colleague Mr. RYAN from Ohio, and I will just turn it over to you for a few minutes.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate that, and I appreciate all your